



TOWN COUNCIL – AGENDA REQUEST FORM

THIS FORM WILL BECOME PART OF THE BACKGROUND INFORMATION USED BY THE COUNCIL AND PUBLIC

Please submit Agenda Request Form, including back up information, 8 days prior to the requested meeting date. **Public Hearing requests must be submitted 20 days prior to requested meeting date to meet publication deadlines** (exceptions may be authorized by the Town Manager, Chairman/Vice Chair).

MEETING INFORMATION

Date Submitted: May 27, 2016

Date of Meeting: June 9, 2016

Submitted by: Town Manager Eileen Cabanel

Department:

Time Required: 15 minutes

Speakers:

Background Info.

Supplied:

Yes: ☒ No: ☐

CATEGORY OF BUSINESS (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Appointment:

☐

Recognition/Resignation/
Retirement:

☐

Public Hearing:

☐

Old Business:

☐

New Business:

☒

Consent Agenda:

☐

Nonpublic:

☐

Other:

☐

TITLE OF ITEM

Disposal of Tax Deeded Properties [Tabled at the May 26, 2016, Town Council meeting]

DESCRIPTION OF ITEM

The Town Council to consider the disposal of tax deeded properties, pursuant to RSAs 80:88, 80:89 and 80:90.

REFERENCE (IF KNOWN)

RSA:

80:88, 80:89
and 80:90

Warrant Article:

Charter Article:

Town Meeting:

Other:

N/A

EQUIPMENT REQUIRED (PLEASE PLACE AN "X" IN THE APPROPRIATE BOX)

Projector:

☐

Grant Requirements:

☐

Easel:

☐

Joint Meeting:

☐

Special Seating:

☐

Other:

☐

Laptop:

☐

None:

☐

CONTACT INFORMATION

Name:

Eileen Cabanel

Address

6 Baboosic Lake Road

Phone Number

424-2331

Email Address

ecabanel@merrimacknh.gov

APPROVAL

Town Manager:

Yes ☒ No: ☐

Chair/Vice Chair:

Yes ☐ No: ☐



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Speakers:

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Time Required: 15 minutes

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Yes: ☒ No: ☐

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CONTACT INFORMATION

Name:

Eileen Cabanel

Address

6 Baboosic Lake Road

Phone Number

424-2331

Email Address

ecabanel@merrimacknh.gov

APPROVAL

Town Manager:

Yes ☒ No: ☐

Chair/Vice Chair:

Yes ☐ No: ☐



TOWN OF MERRIMACK, NEW HAMPSHIRE

TOWN CLERK/TAX COLLECTOR'S OFFICE

6 BABOOSIC LAKE ROAD · MERRIMACK, NH 03054 · (603) 424-3651 · MERRIMACKNH.GOV

To: Town Manager/Town Council

From: Diane Trippett, TC/TC 

Re: Abatement - 7 Richards Rd

Date: May 27, 2016

I understand there was a question regarding the abatement of the July tax bill for the 7 Richards Road property.

The abatement request submitted in regard to this property is a housekeeping measure/standard process for tax deeded property.

At the time the warrant and tax bills were generated, the new deed to the town was not recorded and received by the Assessing Department to make the change transferring ownership from the prior owner (D'Alessio) to the Town.

As a result, the warrant and July tax bill for this property was generated under the name of D'Alessio. Since D'Alessio is not the owner, the Town is, the bill was pulled and not issued to her.

As taxes run with the property, they need to be abated or they will show as a balance due under the Town's account once the ownership records are updated in both Assessing's and the Tax Collector's records.

Typically, this happens with every property that is tax deeded.

Memo



To: Eileen Cabanel, Town Manager
Attn: Town Council
From: Sharon Marunicz, Human Resources Coordinator
Date: May 24, 2016
Re: Disposal or Retention of Tax Deeded Property

Retain the Property

1. The Town can choose to retain property taken by tax deed for its own use, but the prior owner does have the right to repurchase the property any time within three years of tax deed, in this case 5/4/2016. After three years, the Town can sell the property to a third party with no prior notice to the prior owner or mortgage/lien holders.

Sell the Property

1. Tax deed property can be disposed of by the municipality at any time prior to the end of the three years by way of auction or advertised sealed bid as long as proper notice is given to the prior owner and all mortgage/lien holders:
 - a. If the Town would like to dispose of/sell the property before the three years, 90 days before the sale, a Notice of Sale and Opportunity to Repurchase letter is sent by certified mail return receipt requested to the prior owner and all mortgage/lien holders. This letter notifies them of the Town's plans to sell the property and their rights to repurchase the property before it is disposed of.
 - b. Under current law, they have 30 days from the day we send the 90 day notice to provide the Town written notice by certified mail, return receipt requested, of their intent to repurchase the property from the Town, stating that they are ready, willing, and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90. If all such back taxes,

interest, costs and penalty are not paid within 15 days of the notice of intent to repurchase, the municipality may proceed with a sale of the property (RSA 80:89) to a third party. (currently the repurchase price is more than \$31,000)



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: May 24, 2016

AT (OFFICE): Department of Public Works

FROM: Kyle Fox, P.E. *KF*
Director of Public Works

SUBJECT: 7 Richards Road, Merrimack

TO: Eileen Cabanel
Town Manager

The Town Council will be discussing the disposal of the tax deeded property at 7 Richards Road (6A2-144) at their May 26, 2016 meeting. Public Works recommends that the property remain in town ownership for use in support of future drainage and or sewer infrastructure.

The Baboosic Lake area drainage improvements project is (and has been since its inception in 2009) the number one priority in the Public Works Drainage Master Plan. Little work has been accomplished on the project due to the large cost and the lack of land to site drainage infrastructure. The parcel at 7 Richards Road would increase the land owned by the town in the area by 0.23 acres. The town currently owns 11 parcels of land in the area totaling 2.88 acres. The parcel in question abuts the town owned parcel at 5 Richards Road. Together, the two parcels total 0.34 acres.

The primary goal of the proposed drainage improvements in the area is protection of water quality in Baboosic Lake. Should the Town Council allow the conservation Commission to own the property, the water quality goal would be improved by the removal of the impervious area on the subject lot and the prevention of additional impervious area being constructed. Should this direction be pursued, Public Works would likely approach the Conservation Commission in the future for permission to install stormwater infrastructure on the parcel (i.e. detention basin).

Should you have any questions please let me know,

Kyle

CC: Sharon Marunicz, HR Coordinator
Rebecca Thompson, Executive Secretary
File

MOTION TO RETAIN

I move that the Town Council vote to retain ownership of the tax-deeded parcel located at **7 Richards Road**, and identified as Tax Map **6A-2**, Lot 144, because it can be used in support of future drainage and/or sewer infrastructure.

TAX COLLECTOR'S DEED
KNOWN ALL MEN BY THESE PRESENTS

That I, Diane Trippett, Tax Collector for the Town of Merrimack, in the County of Hillsborough and the State of New Hampshire, for the year 2013 by the authority in me vested by the laws of the State, and for consideration received by the Town of Merrimack, located at Town Clerk/Tax Collector, 6 Baboosic Lake Road, Merrimack, NH 03054, do hereby sell and convey to the Town of Merrimack, a certain tract or parcel of land situated in the Town of Merrimack, New Hampshire aforesaid, taxed by the Selectmen/Assessors in 2013 to:

D'ALESSIO JANET

and described in the invoice books as:

Map: 006A-2

Lot: 000144

Sublot: 000000

Located At 7 RICHARDS RD

Consisting of 0.230 Acres of Land, Including Any Buildings Thereon, as Recorded at the Registry of
Deeds in Book 7964, Page 413.

The deed is the result of the tax lien execution held at the Tax Collector's Office in the above stated Town, in the State of New Hampshire on 04/08/2016, to have and to hold said Premises, with the appurtenances, to said Town's successors/heirs and assigns forever. And I hereby covenant with said Town, that in making this conveyance I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid.

In witness whereof, I have hereunto set my hand and seal, the 4 day of May in the year
of our Lord 2016.

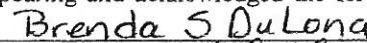


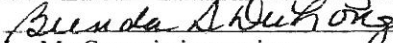
Diane Trippett

Tax Collector, Merrimack

State of New Hampshire, County of Hillsborough, On May 4, 2016

Diane Trippett, the above named, personally appearing and acknowledged the foregoing instrument to be his/her voluntary act and deed. Before me

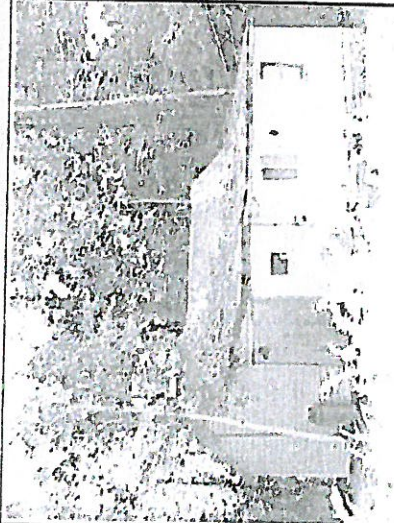


 , Notary / J.P.

My Commission expires: _____

BRENDA S. DuLONG, Notary Public
My Commission Expires March 7, 2017

OWNER INFORMATION				SALES HISTORY				PICTURE				
D'ALESSIO JANET				Date	Book	Page	Type	Price Grantor				
2344 BUTLER ST APT 7				03/27/2008	7964	413	U139	1 D'ALESSIO JANET				
EASTON, PA 18042-5395												
LISTING HISTORY				NOTES								
09/17/14	MRUM			2014 PU SHED. SKETCH ADJ								
06/05/14	INSP	MARKED FOR INSPECTION										
05/28/02	MRVL											
MUNICIPAL SOFTWARE BY AVITAR												
MERRIMACK ASSESSING OFFICE												
PARCEL TOTAL TAXABLE VALUE												
Year	Building	Features	Land									
2014	\$29,100	\$0	\$88,300									
2015	\$27,100	\$500	\$88,300									
2016	\$30,100	\$500	\$88,300									
			Parcel Total: \$118,900									
			Parcel Total: \$118,900									
LAND VALUATION												
Zone: RESIDENTIAL				Minimum Acreage: 0.92				Minimum Frontage: 150				
Land Type	Units	Base Rate	NC	Adj	Site	Road	DWY	Topography	Cond	Ad Valorem	SPI R	Tax Value Notes
IF RES WTR ACS	0.230 ac	101,500	D	90	100	95	95	95 --- MILD	100	78,300	0 N	78,300
IF RES WTR ACS	1,000 wf	x 100,000	X	100					10	10,000	0 N	10,000 BL/WA WF
										88,300		88,300



OWNER
D'ALESSIO JANET
 2344 BUTLER ST APT 7
 EASTON, PA 18042-5395

TAXABLE DISTRICTS	
District	Percentage
Merrimack Village	% 100

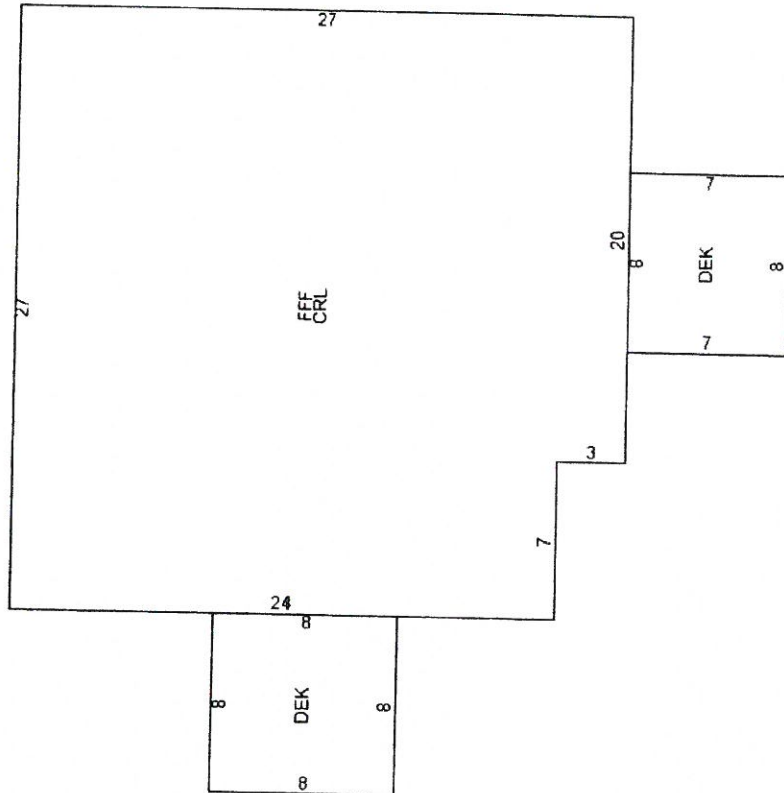
PERMITS

Date	Permit ID	Permit Type	Notes

BUILDING DETAILS
 Model: 1 STORY CAMP-SEAS
 Roof: GABLE OR HIP/ASPHALT
 Ext: CLAP BOARD
 Int: MINIMUM/PLYWOOD PANEL
 Floor: PINE/SOFT WD
 Heat: WOOD/COAL/NONE
 Bedrooms: 3 Baths: 0.5
 Extra Kitchens: Fixtures:
 Fireplaces:
 Generators:
 A/C: No
 Quality: B1 AVG-10
 Com. Wall:
 Size Adj: 1.3755 Base Rate: RCP 55.00
 Bldg. Rate: 0.9285
 Sq. Foot Cost: \$ 51.07

BUILDING SUB AREA DETAILS

ID	Description	Area	Adj.	Effect.
FFF	FST FLR FIN	708	1.00	708
CRL	CRAWL SPACE	708	0.05	35
DEK	DECK/ENTRANCE	120	0.10	12
GLA:	708	1,536		755



2011 BASE YEAR BUILDING VALUATION

Market Cost New: \$ 38,458
 Year Built: 1958
 Condition For Age: FAIR
 Physical: 22 %
 Functional:
 Economic:
 Temporary:
 Total Depreciation: 22 %
 Building Value: \$ 30,100

TITLE V TAXATION

CHAPTER 80 COLLECTION OF TAXES

Real Estate Tax Liens

Section 80:88

80:88 Distribution of Proceeds From the Sale of Tax-Deeded Property. –

I. Notwithstanding any other provision of law, for any sale by a municipality of property which is acquired by tax deed on or after the effective date of this section, the municipality's recovery of proceeds from the sale shall be limited to back taxes, interest, costs and penalty, as defined in RSA 80:90.

II. If there are excess proceeds over and above the amount of municipal recovery permitted under paragraph I:

(a) Within 60 days of settlement by the purchaser or purchasers of the property sold, the municipality shall file a bill of interpleader with the superior court for the county in which the property is located, naming the former owner or owners, and all persons having a recorded interest in the property as defendants, and paying to the court all amounts over and above those entitled to be retained.

(b) The municipality shall also be entitled to retain its reasonable costs and attorneys' fees for the preparation and filing of the petition.

(c) The court shall issue such orders of notice as are necessary, and shall make such disposition of the funds as it finds appropriate, based upon ownership and lienholder interests at the time of the tax deed.

(d) The municipality shall be deemed to have a continuing interest in said funds, and in default of valid claims made by other parties, such funds shall be decreed to be the property of the municipality, free and clear of any remaining liability.

III. No bill of interpleader shall be necessary under subparagraph II(a) if, at the time of the tax deed execution, there were no record lienholders, and only one record owner or joint owners, and such former owner or owners are easily identified and located, in which case the excess proceeds shall be paid to such owner or owners.

Source. 1998, 238:2. 2007, 184:1, eff. Aug. 17, 2007.

TITLE V TAXATION

CHAPTER 80 COLLECTION OF TAXES

Real Estate Tax Liens

Section 80:89

80:89 Notice to Former Owner and Opportunity for Repurchase. –

I. At least 90 days prior to the offering for sale by a municipality of property which is acquired by tax deed on or after the effective date of this section, the municipal governing body or its designee shall send notice by certified mail, address service requested, return receipt requested, to the last known post office address of the owner of the property at the time of the tax deed, if known, or to the person to whom notice of the impending tax deed was given under RSA 80:77. The notice shall set forth the terms of the offering and the right of the former owner or owners to repurchase the property, as set forth in paragraph II. Copies of any such notice shall also be sent by certified mail, return receipt requested, to any mortgagee to whom notice of the impending tax deed was sent under RSA 80:77-a. For any notice sent pursuant to this paragraph, \$10 may be added to the municipality's "costs" as defined in RSA 80:90. In this section, an "offering for sale" means the authorization by the municipality's governing body to its designee to sell the property.

II. Within 30 days after the notice required by paragraph I, or if no such notice is received, at any time within 3 years after the date of recording the tax deed, any former owner of the property may give notice by certified mail, return receipt requested, of intent to repurchase the property from the municipality, and stating that such owner is ready, willing, and able to pay all back taxes, interest, costs and penalty, as defined in RSA 80:90. If all such back taxes, interest, costs and penalty have not been actually tendered within 15 days of such notice of intent to repurchase, the municipality may proceed with its offering and dispose of the property without any interest by the former owner.

III. The deed from the municipality upon such repurchase shall convey the municipality's interest in the property, or such portion as has not been previously disposed of by the municipality, to all record former owners in the same proportional undivided interests as the former owners of record.

IV. The former owners' title upon repurchase shall be subject to any liens of record against the property as of the time of the tax deed to the municipality, and subject to any leases, easements, or other encumbrances as may have been granted or placed on the property by the municipality. In the case of multiple former owners, any owner paying more than a proportional share of the purchase price to the municipality shall have a lien against the other owners for the amount of the excess paid.

V. A notice of intent to repurchase under this section may also be filed by the holder of any recorded mortgage interest in the property which was unredeemed as of the date of the tax deed. Upon payment the property shall be deeded as provided in paragraph III, but the mortgagee shall be entitled to add the amount paid to the municipality to the amount due under the mortgage.

VI. Conveyances to a former owner under this section shall not be subject to the real estate transfer tax under RSA 78-B.

VII. The duty of the municipality to notify former owners and to distribute proceeds pursuant to RSA 80:88, and the former owners' right of repurchase under this section shall terminate 3 years after the date of recording of the deed.

TITLE V TAXATION

CHAPTER 80 COLLECTION OF TAXES

Real Estate Tax Liens

Section 80:90

80:90 Definitions. –

I. For purposes of RSA 80:88 and 80:89, the phrase "back taxes, interest, costs and penalty" shall include all of the following:

(a) All taxes assessed but unpaid as of the date of the tax deed, together with all taxes which would thereafter otherwise have been assessed against such property based on its valuation, but for its ownership by the municipality.

(b) All statutory interest actually accrued on all back taxes as of the date of the tax deed, together with all statutory interest which would otherwise thereafter have accrued on all taxes listed in subparagraph (a), but for the property's ownership by the municipality.

(c) All allowable statutory fees charged for notice and recording in connection with the tax collection process.

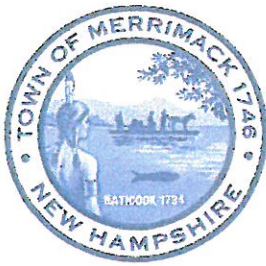
(d) All legal costs incurred by the municipality in connection with the property, including those connected with the municipality's sale or the former owner's repurchase.

(e) All incidental and consequential costs as are reasonably incurred or estimated to be incurred by the municipality in connection with its ownership and disposition of the property, including but not limited to insurance, maintenance, repairs or improvements, and marketing expenses.

(f) An additional penalty equal in amount to 15 percent of the assessed value of the property as of the date of the tax deed, adjusted by the equalization ratio for the year of the assessment.

II. For purposes of RSA 80:88 and 80:89, "former owner" shall mean any person in whom title to the property, or partial interest therein, was vested at the time of the tax deed, and shall include any heir, successor, or assign of any former owner, provided, however, that any person to whom a former owner has attempted to convey or assign any interest, lien, or expectancy in the property subsequent to the date of the tax deed shall not be deemed a former owner.

Source. 1998, 238:2. 2007, 42:2, eff. July 20, 2007.



TOWN OF MERRIMACK INTER-DEPARTMENT COMMUNICATION

DATE: May 24, 2016

AT (OFFICE): Department of Public Works

FROM: Kyle Fox, P.E. *KF*
Director of Public Works

SUBJECT: 7 Richards Road, Merrimack

TO: Eileen Cabanel
Town Manager

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Should you have any questions please let me know,

Kyle

CC: Sharon Marunicz, HR Coordinator
Rebecca Thompson, Executive Secretary
File

MOTION to place the property located at 7 Richards Road, Tax Map Parcel 6A-2/144, acquired by the Town by Tax Deed, for sale by auction with a minimum bid amount